

New Shoreham Town Council
Town Hall, Old Town Road, Block Island
Monday, June 3, 2013
7:00 p.m.

Present: Second Warden Kenneth C. Lacoste, Town Councilor Sean McGarry, Town Councilor Norris Pike, Town Councilor Christopher Warfel. Absent was First Warden Kimberley Gaffett. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

Second Warden Ken Lacoste called the meeting to order at 7:00 p.m.

Warden's Report Second Warden Lacoste reported First Warden Kim Gaffett was absent to attend a meeting in Providence; Town Manager Nancy O. Dodge was absent due to illness.

Public Input Marc Tillson recognized the Harbor's Department for cleaning up storm debris around the Coast Guard Station.

1. Tabled item: Act on Building Official memo re: enforcement of TNS Zoning Ordinance and Building Codes on P5 L81 (Dulac)

Maurice and Judy Dulac and Building Official Marc Tillson were present. There are two violations pending against the Dulacs: operating a junkyard and issues related to constructing a shed without permits and too close to the property line.

The Dulacs appeared before the Town Council on May 1, 2013 and agreed to obtain a building permit and move the shed by June 1, 2013. Mr. Tillson reported he helped the Dulacs calculate the setbacks on their property, and they applied for a building permit to move the shed. The Dulacs said upon further consideration they found the permitted area was inappropriate because of a steep grade and they have applied to the Zoning Board for a variance to allow the shed to remain where it is. Mr. Tillson reported the application is incomplete; it must be completed by June 12 to be heard by the Zoning Board this month. The Building Official explained a complete application will stay further action by the Town.

As for the junkyard issue, Mr. Tillson said he was acting on a complaint and issued an advisory letter to the Dulacs last fall. Junkyards are prohibited under Zoning but not defined. Mr. Tillson said he must compare a subject property to others in the neighborhood. He said the Dulacs have made progress but their property has not been cleaned up to the neighborhood standard. Mr. Tillson explained that if he issues a notice of violation the Dulacs will have 20 days to appeal to the Zoning Board, which may uphold or reverse his decision.

Mr. McGarry moved to authorize town solicitor to take legal action to force compliance regarding the plastic shed and to authorize the Building Official to issue a notice of violation for the junkyard. The motion was seconded by Mr. Warfel.

Mr. McGarry offered an amendment to his motion to exclude instructions for the issuance of a notice of violation for the junkyard.

The amended motion: authorize the Town solicitor to take legal action to force compliance regarding the plastic shed.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

Mr. McGarry moved to instruct the Building Official to issue a notice of violation to deal with the neighbor's refuse complaint. Motion was seconded by Mr. Warfel.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

2. Receive and act on Block Island Early Learning Center letter re: Special Temporary Permit for hot air balloon rides fund raiser

Sue Black and Tracy Heinz were present for the Early Learning Center. Mr. Pike recused. They explained the tethered balloon ride fundraising event was very successful last year and the vendor has offered to donate the service again. They learned evenings are too breezy so their request is limited to morning hours. A special temporary permit is needed because amusement parks or rides are prohibited under Zoning.

Mr. Lacoste moved to issue a special temporary permit to the Block Island Early Learning Center per the terms of their May 21, 2013 request: to offer tethered hot air balloon rides from July 22 through July 26, 2013 the Sullivan House (Plat 5, Lot 59), or at the Oar (Plat 5, Lot 69-1). The motion was seconded by Mr. Warfel.

Ayes: 3 (Lacoste, McGarry, Warfel) Nays: 0
Abstain: 1 (Pike) Absent: 1 (Gaffett)

3. Discuss and act on building schedule for the Ball-O'Brien Park bathrooms/picnic shelter project

Mr. McGarry moved to instruct the Town Manager to issue a purchase order for Liberty Cedar's shelter. The motion was seconded by Mr. Warfel. After a brief discussion Mr. McGarry withdrew his motion.

Mr. Lacoste moved to continue the item to Wednesday's work session, seconded by Mr. Pike.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

4. Set meeting date with Stanley White Engineering, LLC re: Deepwater Wind Decommissioning Cost Review

Mr. Pike moved to set a June 20 meeting date with Stanley White, time to be determined. Motion seconded by Mr. McGarry.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

5. Set meeting date with Electric Utility Task Group

Council proposed a joint meeting scheduled at the EUTG's next meeting at 12:30 on Monday, June 17, 2013 to discuss the EUTG's charge to reevaluate Deepwater Wind's numbers based on the Block Island Power Company's change of fuel; the continuation of the EUTG; and discussion to identify specific tasks and areas of focus for the board.

Mr. Lacoste moved to meet with the Electric Utility Task Group on June 17, 2013 and to direct the Clerk to notify the EUTG of the discussion topics, seconded by Mr. McGarry.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

6. Set public hearing date for amendments to New Shoreham General Ordinances re: Veterans Exemption (Chapter 17 Taxation and Finance, Article II Exemptions from Taxes, Division 3 Veterans)

Mr. Lacoste moved to set a June 19, 2013 public hearing date to consider changes to the New Shoreham General Ordinances re: Veterans Exemption (Chapter 17 Taxation and Finance, Article II Exemptions from Taxes, Division 3 Veterans). Motion was seconded by Mr. Warfel.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

7. Formulate and Act on request for an advisory from the Recreation Board re: adult recreation programs, and review of 1995 charge/mission

Discussion ensued.

Mr. Pike moved to request Recreation Board to submit recommendations for a revised and updated charge and plan of action to replace the 1995 document. Motion seconded by Mr. Warfel.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

8. Establish Town Manager evaluation process and identify evaluation tool

The evaluation tool was discussed. Mr. McGarry likes the existing tool and process. Mr. Warfel thought the public should have input into the process.

Mr. McGarry moves to adopt the exiting format as the evaluation tool with changes to item 10 to remove the bullet points, seconded by Mr. Pike.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

Mr. McGarry moves to turn in filled out evaluation tool in advance of the first work session in July, 2013, date to be determined, to begin the evaluation process.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

9. Receive and act on New Shoreham Conservation Commission Advisory to the Town Council re: composting yard waste, mylar balloons, and solar powered trash bins.

Mr. Lacoste thanked the Conservation Commission for the advisory memorandum. Mr. McGarry recused.

A brief discussion of composting yard waste at the New Shoreham Transfer Station ensued. The Town grant writer may be able to advise about composting programs on the mainland.

Mr. Lacoste moved to request the Conservation Commission designate a member to act as a liaison to follow up with the composting program, seconded by Mr. Pike.

Ayes: 3 (Lacoste, Pike, Warfel) Nays: 0 Recuse: 1 (McGarry) Absent: 1 (Gaffett)

The Clerk will notify the Conservation Commission of the Council's recent action regarding helium-filled balloons.

A discussion of solar powered trash bins followed. Mr. McGarry recused and left the room. The Town Council would like more information from the Conservation Commission with regard to solar powered trash bins. How many would be needed, how often would they be emptied, how are they emptied, what do the units cost? If the investment is paid back by emptying the bin fewer times, how does the Town's short season and the cost of the tippy can contract factor into the investment? Are grants available from RI Resource Recovery? The Council suggested conferring the Mike McGinnes.

Mr. Warfel moved, seconded by Mr. Pike, to ask the Conservation Commission to continue their investigation of solar powered trash bins with Rhode Island Resource Recovery and Mike McGinnes, and to calculate a payback time for Block Island.

Ayes: 3 (Lacoste, Pike, Warfel) Nays: 0 Recuse: 1 (McGarry) Absent: 1 (Gaffett)

10. Act on changes to Rules and Procedure of the Town Council re: rule #10 – meeting packet deadline

Mr. Warfel moved to change Rule # 10 to read "All items for the agenda of a regular (Monday) meeting must be in the Town Council Agenda folder at noon on Wednesday prior to the meeting. Town Council meeting packets will be ready at noon on Thursday prior to the meeting. All items for the agenda for an interim (Wednesday) meeting or Wednesday work session must be in the Town Council Agenda folder at noon on Wednesday prior to the meeting. Town Council meeting packets will be ready at noon on Friday prior to the meeting." The motion was seconded by Mr. Lacoste.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Absent: 1 (Gaffett)

11. Correspondence: Taubman Law Offices re: Notice of Public Hearing for Modification of Special Use permit on Plat 6 lot 69-4 (Peter Mott)

No action was needed or taken.

12. Minutes: May 20, 2013

Mr. Lacoste moved to approve the minutes of May 20, 2013 with one change, seconded by Mr. Warfel.

At 8:30, a motion to adjourn was made by Mr. Pike and seconded by Mr. Warfel.

Minutes approved June 19, 2013

Fiona Fitzpatrick,
Town Clerk

